



DEMOREST LAW FIRM



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December 23, 2015

VIA FIRST CLASS MAIL
and ELECTRONIC MAIL

Freedom of Information Officer
U.S. EPA Region 5 (MI-9J)
77 West Jackson Blvd.
Chicago, IL 60604-3590

RE: Freedom of Information Request for Environmental Records
Property Address: 489 North Shore Drive, Benton Harbor, MI
EPA ID No. MIN000510426
EPA Registry ID. 110000408997

Dear Sir or Madam:

I am writing to submit a Freedom of Information Request to obtain copies of any and all environmental records in the Environmental Protection Agency's database in connection with the property described above.

If you have any questions, please feel free to contact me. Otherwise, I look forward to receiving the requested documentation within 10 business days.

Sincerely,

DEMOREST LAW FIRM, PLLC

Mark S. Demorest
mark@demolaw.com

MSD/pmr

cc: Cheryl Miller (via email)
Chris Lannert (via email)

New Products Corporation:Modern Plastics:Correspondence:2015 12 22 sl EPA re FOIA.docx

ROYAL OAK OFFICE (MAIN) 322 W. LINCOLN AVE., STE. 300 ROYAL OAK, MI 48067
DEARBORN OFFICE 1537 MONROE ST., STE. 300 DEARBORN, MI 48124

EXPERT RESULTS WITH OUTSTANDING EFFICIENCY

**ATTACHMENT A TO FOIA REQUEST TO
U.S. ENVIRONMENTAL PROTECTION AGENCY
RE: MODERN PLASTICS PROPERTY**

DEFINITIONS

1. The "Modern Plastics Property" includes all of the property commonly known as 489 N. Shore Dr., Benton Harbor, MI, whether now owned by Modern Plastics Corporation, New Products Corporation, or another party.

2. As used in this Attachment A, the "Modern Plastics Property" includes, but may not be limited to, the following tax parcel numbers:

Property Tax Id No. 11-54-0018-0024-00-1
Property Tax Id No. 11-54-0018-0025-01-6
Property Tax Id No. 11-54-0018-0025-00-8
Property Tax Id No. 11-54-0018-0021-02-9
Property Tax Id No. 11-54-0018-0021-01-1
Property Tax Id No. 11-54-0018-0025-02-4
Property Tax Id No. 11-54-0018-0025-03-2

3. "MDEQ" means the Michigan Department of Environmental Quality.

4. "EPA" means the U.S. Environmental Protection Agency.

DOCUMENTS/INFORMATION TO BE PRODUCED

1. All paper or electronic documents mentioning, referring to, or related to the Modern Plastics Property, from January 1, 2011 to date.

2. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding a preliminary site assessment of the Modern Plastics Property, including all internal EPA communications, from January 1, 2011 to date.

3. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the scope of the investigation planned to be performed by the MDEQ and/or the EPA at the Modern Plastics Property, including all internal MDEQ communications, from January 1, 2011 to date.

4. All site investigation work plans or site assessment work plans, including all attachments, from January 1, 2011 to date.

5. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other communications with the MDEQ regarding the Modern Plastics Property, from January 1, 2011 to date.

6. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding clean-up or remediation of the Modern Plastics Property from January 1, 2011 to date, including but not limited to corrective or remedial action completion reports.

7. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding requests for access to the Modern Plastics Property, including all signed access agreements, from January 1, 2011 to date. This request includes, but is not limited to, all communications and agreements with New Products Corporation (including Cheryl Miller); Modern Plastics Corporation (including Helen "Tenney" Miller); John Cameron, Jr. of Dickinson Wright, PLLC; or Berrien County (including Bret Witkowski, Dan Fette, Donna Howard, and James McGovern).

8. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications the Modern Plastics Corporation Bankruptcy Trustee (Thomas Tibble or Laura Genovich) or the Trustee's attorneys regarding the Modern Plastics Property, from January 1, **2009** to date, including, but not limited to:

- a. John Byl, Timothy Hillegonds and/or Elisabeth Von Eitzen of Warner, Norcross & Judd;
- b. Cody Knight, Rayman & Knight; or
- c. John Fish, Dark & Brill.

9. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with the U.S. Bankruptcy Court for the Western District of Michigan (including Judge Scott Dales) regarding the Modern Plastics Property, from January 1, **2009** to date.

10. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Bank of America or its attorneys (including, but not limited to, Theodore Sylwestrzak of Dickinson Wright) regarding the Modern Plastics Property, from January 1, 2011 to date.

11. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Modern Plastics, its attorneys, and its officers or representatives (including, but not limited to, Robert Orlaske, Gregory Miller, or Helen "Tenney" Miller) regarding the Modern Plastics Property, from January 1, 2011 to date.

12. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with New Products Corporation (including, but not limited to, Cheryl Miller) regarding the Modern Plastics Property, from January 1, 2011 to date.

13. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Christopher Lannert of Lannert Group regarding the Modern Plastics Property, from January 1, 2011 to date.

14. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with John Low or Jeffrey Cadermartori of CBI regarding the Modern Plastics Property, from January 1, 2011 to date.

15. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Berrien County (including, but not limited to, Bret Witkowski, Donna Howard, James McGovern, Dan Fette, or John Cameron, Jr.) regarding the Modern Plastics Property from January 1, 2011 to date.

16. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with the Berrien County Brownfield Redevelopment Authority (including, but not limited to, Dan Fette) regarding the Modern Plastics Property from January 1, 2011 to date.

17. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with the City of Benton Harbor regarding the Modern Plastics Property from January 1, 2011 to date.

18. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Dickinson Wright, PLLC (including, but not limited to, John Cameron, Jr.) regarding the Modern Plastics Property, from January 1, 2011 to date.

19. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Whirlpool Corporation (including, but not limited to, Jeff Noel) regarding the Modern Plastics Property, from January 1, 2011 to date.

20. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Evergreen Development Company (including, but not limited to, Robert McFeeter) regarding the Modern Plastics Property, from January 1, 2011 to date.

21. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Harbor Shores (including, but not limited to, Jeff Noel or Robert McFeeter) regarding the Modern Plastics Property, from January 1, 2011 to date.

22. All documents regarding the Modern Plastics Bankruptcy Trustee's request to abandon the Modern Plastics Property from the Modern Plastics bankruptcy estate, from January 1, 2011 to date.

23. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the decision of the MDEQ and/or EPA not to object to abandonment of the Modern Plastics Property from the Modern Plastics bankruptcy estate, from January 1, 2011 to date.

24. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the MDEQ and/or EPA's decision to conduct additional investigation and testing at the Modern Plastics Property, from January 1, 2011 to date.

25. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding application for funding, and award of funding, for site inspection and testing at the Modern Plastics Property, from January 1, 2011 to date.

26. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding site visits at the Modern

Plastics Property, from January 1, 2011 to date, including sample location maps, and test results.

27. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the scheduling of site visits and investigative work at the Modern Plastics Property, from January 1, 2011 to date.

28. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding arrangements with testing laboratories for testing of soil or water samples from the Modern Plastics Property, from January 1, 2011 to date.